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SOWELL

SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

August 15, 2005

VIA HAND-DELIVERY:

Charles L.A. Terreni, Chief Clerk & Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

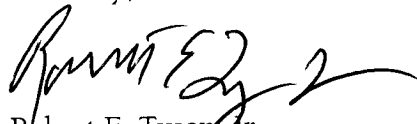
Re: Petition to Establish Generic Docket to Consider Amendments to
Interconnections Agreements Resulting From Changes of Law
Communication Commission's Triennial Review Order
SC PSC Docket No. 2004-316-C
SGS&L File No. 5665-1506

Dear Mr. Terreni:

Enclosed for filing, please find the original and eleven copies of ITC^DeltaCom's
Petition for Rehearing or Reconsideration of Order No. 2005-247 in the
referenced docket. After filing the original and required number of copies, please
return one filed-stamped copy to our courier. ✓\$

Thank you for your assistance with this matter. By copy of this correspondence I
am serving parties of record.

Sincerely,


Robert E. Tyson, Jr.

Robert E. Tyson, Jr.
rtyson@sowell.com
DD 803.231.7838

1310 Gadsden Street
Post Office Box 11449
Columbia, SC 29211

PHONE 803.929.1400
FACSIMILE 803.929.0300
WEBSITE www.sowell.com

RETjr:alw

Enclosures

cc: all counsel of record

**SOUTH CAROLINA
PUBLIC SERVICE COMMISSION
DOCKET NO. 2004-316-C**

In the Matter of)
)
Petition of BellSouth Telecommunications Inc.,)
To Establish Generic Docket to Consider)
Amendments to Interconnection Agreements)
Resulting From Changes of Law)

2005 AUG 15 PM 4:15
SOUTH CAROLINA
PUBLIC SERVICE COMMISSION
DOCKET NO. 2004-316-C

**ITC^DELTACOM COMMUNICATION INC.'S PETITION FOR REHEARING
OR RECONSIDERATION OF ORDER NO. 2005-247**

ITC^DeltaCom Communication, Inc.'s ("DeltaCom"), on behalf of itself and its affiliate, Business Telecom, Inc., ("BTI"), respectfully submits this petition seeking reconsideration or rehearing of Order No. 2005-247 pursuant to S.C. Code Ann. § 58-9-1200 and S.C. Regs. 103-836(4). In support of its petition DeltaCom would show the following:

1. On August 1, 2005, the Public Service Commission of South Carolina ("Commission") issued Order No. 2005-247 in which it granted in part and denied in part the emergency relief sought by the Joint Petitioner's, NuVox Communications, Inc., Xspedius Management Co. of Greenville, LLC; Xspedius Management Co. of Spartanburg, LLC; KMC Telecom III, LLC; and KMC Telecom V, Inc. (hereinafter "joint petitioners"). Counsel for DeltaCom was served with Order No. 2005-247 by certified mail on August 4, 2005.

2. DeltaCom submits its petition stating its substantial rights have been prejudiced because the findings, inferences, conclusions are in error of law and

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unreasonable, violate constitutional and statutory provisions, and are arbitrary and capricious.

3. DeltaCom and BTI are certificated Competitive Local Exchange Providers ("CLEC") of local exchange and exchange access services in South Carolina. DeltaCom and BTI are parties to executed interconnection agreements with BellSouth which have been approved by this Commission.

4. DeltaCom has participated in this docket in support of joint petitioner's request by filing certain pleadings and by participating in oral arguments.

5. For the reasons stated previously by DeltaCom, DeltaCom believes Order No. 2005-247 is unreasonable and unlawful. Specifically, Order No. 2005-247 provides,

that CLECs can no longer order an unbundled network element (UNE) from BellSouth and pay the Total Element Long Run Incremental Cost (TELRIC) rates for that item in regard to new customers seeking switching and high capacity loops in specified central offices as defined in the TRRO, dedicated transport between central offices having certain characteristics defined in the TRRO, and dark fiber."

Order No. 2005-247, p. 2. The Commission's Order violates the contractual obligations undertaken by BellSouth (and approved by this Commission) in BellSouth's interconnection agreements and BellSouth's prior commitments to abide by the procedures established under the change of law provisions of those agreements.

6. DeltaCom believes the Commission's Order is unlawful because it did not order BellSouth who is seeking changes in the interconnection agreements, to utilize the change of law process agreed to by the parties and approved by this Commission.

7. DeltaCom further maintains the Commission erred by stating "...we believe the that this Commission may modify interconnection agreements at least to the degree that said agreements may be read to require BellSouth to offer new UNEs to new

customers.” Order No. 2005-247 at p.6. The Commission erred in its findings by stating the Federal Communications Commission had determined that UNE Platform harms competition and is therefore contrary to the public interest.

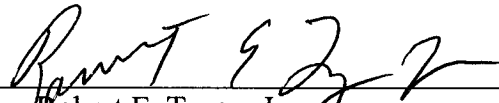
8. By submitting this Petition for Rehearing and Reconsideration, DeltaCom seeks to preserve its right of appellate review. If the Joint Petitioners also submit a Petition for Rehearing and Reconsideration, DeltaCom would seek to preserve its right in support of said Petition.

WHEREFORE, ITC^DeltaCom Communications, Inc., and Business Telecom, Inc. respectfully request that the Commission issue and Order:

1. Reconsider and rehear its decision in Order No. 2005-247;
2. Order BellSouth to continue accepting and processing CLEC orders for all UNEs under the rates, terms, and conditions of their approved interconnection agreements; and
3. Order BellSouth to comply with the change of law provisions of DeltaCom and BTI and BellSouth's Commission approved interconnection agreement with regard to the implementation of the TRRO.

SIGNATURE BLOCK ON FOLLOWING PAGE

SOWELL GRAY STEPP & LAFFITTE, L.L.C.

By: 
Robert E. Tyson, Jr.
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

Nanette S. Edwards, Esq.
ITC^DeltaCom Regulatory Department
7037 Old Madison Pike; Suite 400
Huntsville, AL 35806
(256) 382- 3856
FAX: (256) 382-3936

Attorneys for ITC^DeltaCom Communications, Inc.

Columbia, South Carolina

August 15, 2005

CERTIFICATE OF SERVICE

I, the undersigned employee of the law offices of Sowell Gray Stepp & Laffitte, L.L.C., attorneys for ITC^DeltaCom, do hereby certify that I have served a copy of the pleading(s) hereinbelow specified via e-mail or regular mail to the following address(es):

Pleadings: ITC^DeltaCom Communication, Inc's ("DeltaCom") Petition for Rehearing or Reconsideration of Order No. 2005-247

Counsel Served: Frank R. Ellerbe, Esquire
Robinson McFadden & Moore
1901 Main Street, Suite 1200
Post Office Box 944
Columbia, SC 29202
fellerbe@robinsonlaw.com
**Attorneys for US LEC
and South Carolina Cable Television Association.**

Bonnie D. Shealy, Esquire
Robinson McFadden & Moore
1901 Main Street, Suite 1200
Post Office Box 944
Columbia, SC 29202
bshealy@robinsonlaw.com
**Attorneys for US LEC
and South Carolina Cable Television Association.**

Darra W. Cothran, Esquire
Woodward, Cothran & Herndon
Post Office Box 12399
Columbia, South Carolina 29211
dwcothran@wchl.com
**Counsel for Intervenors MCI WorldCom
Communications, Inc., Intermedia Communications,
Inc. and MCIMetro Access Transmission Service, LLC**

Florence Belser, Esquire
General Counsel
Post Office Box 11263
Columbia, SC 29211
Office of Regulatory Staff
florence.belser@psc.state.sc.us

John J. Pringle, Jr., Esquire
Ellis, Lawhorne & Sims, P.A.
1501 Main Street, Fifth Floor
Post Office Box 2285
Columbia, South Carolina 29202
jpringle@ellislawhorne.com
**Counsel for Intervenors AT&T Communications of the
Southern States, L.L.C. (“AT&T”), Access Networks, Inc.,
and NewSouth Communications, Corp. (“NewSouth”)**

John J. Pringle, Jr., Esquire
Ellis, Lawhorne & Sims, P.A.
1501 Main Street, Fifth Floor
Post Office Box 2285
Columbia, South Carolina 29202
jpringle@ellislawhorne.com
**Counsel for NuVox Communications, Inc., Xpedius
Management Co. of Greenville, LLC; Xspedius Management
Co. of Spartanburg, LLC; KMC Telecom III, LLC and KMC
Telecom V, Inc (Joint Petitioners)**

Patrick W. Turner, Esquire
BellSouth Telecommunications, Inc.
Post Office Box 752
Columbia, South Carolina 29202
patrick.turner@bellsouth.com
**Counsel for BellSouth Telecommunications, Inc.
 (“BellSouth”)**

F. David Butler, Esquire
South Carolina Public Service Commission
Post Office Drawer 11649
Columbia, South Carolina 29211
david.butler@psc.state.sc.us

Scott Elliott, Esquire
Elliott & Elliott, P.A.
721 Olive Street
Columbia, South Carolina 29205
selliott@mindspring.com
**Counsel for Intervenors United Telephone Company of the
Carolinas and Sprint Communications Company, L.P.**


Amy Wyatt

August 15, 2005